

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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DARRELL WILKINSON,

Plaintiff,

v.

ORDER  
02-CV-361

RANDY BANKS, et al

Defendants.

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This case was referred to Magistrate Judge Marian W. Payson, pursuant to 28 U.S.C. § 636(b)(1). On July 1, 2005, defendants filed a motion for summary judgment. On June 28, 2007, Magistrate Judge Payson filed a Report and Recommendation, recommending that defendants' motion for summary judgment be granted.

Plaintiff filed objections to the Report and Recommendation on July 13, 2007, and defendants filed a response thereto. Oral argument on the objections was held on September 5, 2007.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions and hearing argument from the parties, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Payson's Report and Recommendation, defendants' motion for summary judgment is granted. The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA  
CHIEF JUDGE  
UNITED STATES DISTRICT COURT

DATED: September 10, 2007